IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No. 904 of 1992

For Approval and Signature:

HONOURABLE MR.JUSTICE KS JHAVERI

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PANCHAL BALDEVBHAI CHANDULAL - Appellant(s)
Versus
MOTIBHAI VALABHAI & 2 - Defendant(s)

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Appearance :
MR DF AMIN for Appellant(s) : 1,
None for Defendant(s) : 1 - 3.

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CORAM : HONOURABLE MR.JUSTICE KS JHAVERI

Date : 31/07/2006

ORAL JUDGMENT

1. By way of this appeal the appellant has challenged the judgement and award dated 28.07.1986 passed by Motor Accident Claims Tribunal, Panchmahal at Godhra, in M.A.C.P. No. 280 of 1984 whereby the Tribunal awarded Rs. 7,000/-by way of compensation. The appeal is for enhancement of compensation.

2. The short facts of the case are that on 16.09.1983 the truck bearing registration No. M.B.F. 1542 was hired for transport of goods by the Manager

of Taluka Sales and Purchase Sangh, Santarampur. The applicant was in the truck as labourer for loading and unloading, employed by the owner of the truck. The driver was driving the same rashly and negligently and with accessive speed as a result of which, he lost control over the truck and it turned turtled on driver side. The appellant sustained bodily injuries. He was removed to the Santrampur Hospital and then to the Godhra Civil Hospital. Therefore the appellant filed the claim petition claiming Rs. 25,000/- by way of compensation. The Tribunal after hearing passed the aforesaid award.

3. Learned advocate for the appellant has submitted that the Tribunal has failed to appreciate that looking to the injuries and treatment, the appellant is entitled to atleast Rs. 8,000/- the said count. He further submitted that the Tribunal has erred in holding that there is no evidence on record to show the period during which the appellant remained in hospital.

4. As a result of hearing and perusal of the documents placed on record it appears that while passing

the judgment and award, the Tribunal has observed that the affidavit of the appellant is at Ex. 26 where he claimed Rs. 15/- per day. There is no mention as to for how much time he could not work etc. Further at Ex. 24 shows that he has a fracture of remus of pelvis and his age is about 24 years a the time of incident. Further he was required to be admitted in Civil Hospital, Godhra but the duration of his hault in the Civil Hospital is not stated. Looking to the nature of injuries sustained in his young age Tribunal has rightly awarded Rs. 6,000/- for pain, shock and suffering. However, as regards medical evidence nothing is on record and no case is made out to award any amount.

5. In view of the above finding I am of the view that the Trial Court has not committed any error in passing the impugned order. No case is made out for enhancement. I am in complete agreement with the reasonings adopted and the findings arrived at by the trial court. Hence the appeal is dismissed. No order as to costs.

(K.S.JHAVERI, J.)

Suresh*